

FEB 08 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

DANVILLE DIVISION

JOSEFINA PEREZ FRIAS
Poblado Soyataco
Jalpa de Mendez
Tobasco, Mexico

Petitioner,

v.

Cleotilde Miranda Zapata,
13 Jackson St.
Martinsville, Virginia 24112

Respondent.

CIVIL ACTION NO. 4:06CV78

ORDER

WHEREAS this Court entered an Order dated January 30, 2007 granting interim protective custody of Dolores de Jesus Miranda Frias and Rafael Antonio Miranda Frias (the "Children") to their mother, Petitioner Josefina Perez Frias, and

WHEREAS said Order was executed on January 30, 2007, and on January 31, 2007 a copy was provided to Respondent, notifying Respondent of a hearing in this matter set for February 6, 2007,

WHEREAS Respondent was served with all papers in this matter by the United States Marshall on February 5, 2007,


WHEREAS a hearing was held in this matter on February 6, 2007 at which Respondent was present and presented evidence on his behalf, and

WHEREAS the interests of justice and the best interests of the Children mandate a prompt resolution of this matter.

NOW THEREFORE the Court hereby adjudges and decrees as follows;

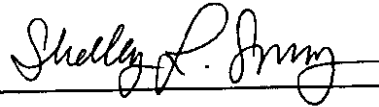
1. Until their abduction by the Respondent on October 10, 2005 the Children were habitually resident in Mexico.
2. Until October 10, 2005 the Petitioner had custody rights under Mexican law and exercised those custody rights.
3. Respondent unlawfully removed the Children to the United States from Mexico without the Petitioner's knowledge or consent, thereby preventing the Petitioner from exercising custody of the Children.
4. Petitioner has demonstrated her right, pursuant to the Hague Convention, and 42 U.S.C. § 11601, *et seq.*, to the return of the Children to Mexico.
5. The Children shall remain in Petitioner's custody for such time as may be necessary for Petitioner to return them to their habitual residence in Mexico, that existed prior to October 10, 2005.

Dated: 2/8/07


Senior United States District Judge
United States District Court for the
Western District of Virginia

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Proposed Final Court Order was served by overnight mail on February 7, 2007, to Respondent, Cleotilde Miranda Zapata, at 13 Jackson Street, Martinsville, Virginia 24112.

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